



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: October 15, 2008  
Comment Deadline: November 15, 2008  
Corps Action ID: SAW-2008-02841

The District Commander has received a proposed Umbrella Mitigation Banking Instrument (UMBI) from the NC Department of Transportation describing the establishment of an umbrella stream and wetland mitigation bank (Bank) to be developed at various locations in NC. The primary purpose of the Bank is to manage the mitigation credits available on NC DOT's legacy mitigation sites. Legacy sites are those mitigation sites that were originally developed by NCDOT and were transferred in various stages of development to the Ecosystem Enhancement Program (EEP) for property and credit management.

## Bank Sponsor

NC Department of Transportation  
Project Development and Environmental Analysis Branch  
1 South Wilmington Street, Raleigh North Carolina 27699-1548

This public notice does not imply, on the parts of the Corps of Engineers or other agencies, either favorable or unfavorable opinion of the establishment of the Bank, but is issued to solicit comments regarding the factors on which final decisions regarding the Bank will be based.

## **WATERWAYS AND LOCATION OF THE PROPOSED WORK:**

In accordance with 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources, published Thursday April 10, 2008, the Wilmington District is considering a proposal by NC DOT to establish an Umbrella Mitigation Bank in order to provide stream and wetland compensatory mitigation for impacts authorized under the authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. At this time NC DOT has asked to incorporate 2 sites into the Bank:

1. Privateer Farm Mitigation Site (Site): The Site is located in United States Geological Survey (USGS) Hydrologic Unit (HU) 03030005 and North Carolina Division of Water Quality (NCDWQ) Cape Fear River sub-basins 15 and 16 along Little Alligator Swamp and Harrison Creek, in Bladen County. The Site encompasses a 430-acre boundary contained within a larger 4,600 acre farm property. The total stream length across the Site was increased from approximately 25,000 LF to 34,000 LF. Restoration activities for the Site involved moving the stream channel back to its historic location and elevation, and filling drainage ditches to raise the local water table and restore wetland and stream hydrology. The plan also included scarification of the fields and breaking of the local plow pan to increase surface water storage and provide a range of hydrologic conditions suitable for a variety of native wetland plant species. The project was completed in April of 2005. Complete monitoring reports for the Site are available at:

<http://www.ncdot.org/doh/preconstruct/pe/neu/Monitoring/default.html>

Based on the District's established ratios, the Privateer Farm Mitigation Site is expected to generate the following amounts of mitigation credit:

Riverine Wetlands – 415 credits (402.5 acres of restoration and 25 acres of enhancement)  
Streams – 34,005 feet (all restoration)

The service area for the Site is proposed as the portion of the Southeastern Plains Level III Ecoregion of the Lumber and Cape Fear River Basins (see Figure 5). This includes portions of the following CU's: 03030004, 03030005, 03030006, 03030007, 03040203, and 03040204.

The complete addendum for the Site may be accessed at:

<http://www.ncdot.org/doh/preconstruct/pe/neu/Monitoring/default.html>

2. **Croatan Wetland Mitigation Bank (CWMB):** The Croatan Wetland Mitigation Bank (CWMB) wetland restoration site is located in United States Geological Survey (USGS) Hydrologic Unit (HU) 03020204 and North Carolina Division of Water Quality (NCDWQ) Neuse River sub-basin 03-04-10 along the outer bend in the Neuse River between New Bern and the Pamlico Sound. The CWMB is located approximately 3.6 miles northwest of Havelock and is situated west of US Highway 70 and south of Catfish Lake Road (SR 1100). The CWMB is bounded to the west, north, and east by lands associated with the Croatan National Forest. The CWMB encompasses 4,034.6 acres under the ownership of NCDOT and contains both non-riverine and riverine wetland mitigation areas. Prior to restoration, non-riverine and riverine functions on the site had been severely impacted as a result of silvicultural practices (road construction, ditching, and logging. As of 2007, the project has been subject to five years of monitoring. Monitoring data for the CWMB Site can be found at the following location:

<http://www.ncdot.org/doh/preconstruct/pe/neu/Monitoring/MonitoringReports.html>

Successful implementation of the Mitigation Plan should result in the establishment of the following number of mitigation credits categorized by form and type:

Wetland Credits Generated at CWMB							
	Non-Riverine Wetland Credit			Riverine Wetland Credit			Total Phase Credits
	R	E	P	R	E	P	
Phase I	311.6	513.4	21.6	0	0	0	846.6
Phase II	1123.6	478.4	50.6	49.6	45.8	7.6	1755.6
Bank Total	1435.2	991.8	72.2	49.6	45.8	7.6	2602.2

The GSA as proposed for the Site is contained within the Middle Atlantic Coastal Plain Level III Ecoregion, which includes portions of the Roanoke, Tar/Pamlico, Neuse, White Oak, New, Cape Fear, and Lumber River Basins.

The full addendum for this site may be accessed at the following location:

<http://www.ncdot.org/doh/preconstruct/pe/neu/Monitoring/default.html>

### **PROSPECTUS:**

The full prospectus regarding the establishment of the Bank is available for review at:

[http://www.saw.usace.army.mil/WETLANDS/Notices/Current\\_notices.html](http://www.saw.usace.army.mil/WETLANDS/Notices/Current_notices.html)

### **PROPOSED WORK AND PURPOSE:**

The bank sponsor proposes to manage existing stream and wetland mitigation credits on sites that have been previously restored. Accordingly, the review of site specific mitigation plans is not anticipated to be necessary for most of the sites to be incorporated into the Bank. Significant threshold issues to be determined by the NC IRT include the type and amount of credits that may be available for use at each Bank site, methods of property preservation and long term management, and Geographic Service Areas.

This mitigation bank may be considered one of a number of practicable alternatives available to applicants on a case-by-case basis to compensate for unavoidable wetland impacts associated with permits issued under the authority of Sections 404 and 401 of the Clean Water Act for projects located within the prescribed geographic service area.

Oversight of this wetland and stream compensatory mitigation bank will be by a group of Federal and State agency representatives known as the Interagency Review Team (IRT). The IRT shall be chaired by the Wilmington District of the U.S. Army Corps of Engineers and is comprised of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, NC Division of Water Quality, NC Division of Coastal Management, and NC Wildlife Resources Commission.

The actual approval of the use of these mitigation sites for a specific project is the decision of the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this proposed wetland and stream compensatory mitigation bank to compensate for unavoidable wetland and water impacts associated with a proposed application, even though mitigation from this bank may be available and the project may be within the established service area.

### **AUTHORITY:**

A Public Notice is required pursuant 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources, published Thursday April 10, 2008.

## **FEDERAL EVALUATION OF PROPOSAL:**

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation bank. Any comments received will be considered by the Corps in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

Preliminary review of the proposal indicates that: 1) An environmental impact statement will not be required; 2) No species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and 3) No cultural or historic resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected. Additional information may change any of these preliminary findings.

Written comments regarding the proposed Croatan Wetland Mitigation Bank may be sent to Mr. David Lekson, Washington Regulatory Field office, Post Office Box 1000, Washington, NC 27889-1000.

Written comments regarding the proposed Privateer Farms Stream and Wetland Mitigation Bank may be sent to Mr. Mickey Sugg, Wilmington Regulatory Field Office, Post Office Box 1890, Wilmington, NC 28402-1890 .

Comments will be accepted until 4:15 p.m., November 15, 2008.